

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: EAST PALESTINE TRAIN)
DERAILMENT) CASE NO. 4:23CV0242
)
) JUDGE BENITA Y. PEARSON
)
)
) **ORDER**

Pending is Third-Party Defendant GATX Corporation’s (“GATX”) Motion for Pre-trial Conference ([ECF No. 890](#)) and Third-Party Plaintiffs Norfolk Southern Corporation and Norfolk Southern Railway Company (“Norfolk Southern”) Motion for Judicial Notice Concerning the Class Action Settlement ([ECF No. 887](#)).

Counsel shall forthwith, again, confer in good faith regarding: (1) the amount of time each party requests be allocated to each party for their respective opening statements; (2) exhibits, demonstrative evidence, *see* Civil Trial Order ([ECF No. 392](#)) at PageID #: 5124 (“If demonstrative evidence such as models or sketches, are to be used at trial, counsel shall exchange them no later than two (2) days prior to the date of trial.”), and deposition testimony a party seeks to use during opening statements; (3) identification of any objections a party has to a particular exhibit(s), demonstrative evidence or deposition testimony another party seeks to use during opening statements; (4) whether the parties should play all designated deposition testimony for each witness to the jury at the same time; and, (5) whether the Court should take judicial notice of the facts set forth in [ECF No. 887](#). Counsel shall include the views of each party about the

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above items in a single document to be filed as a Joint Status Report on or before March 27, 2025, at 12:00 p.m. EDT Noon.

If necessary, a Pre-trial Conference will be held on March 27, 2025, at 3:00 p.m. EDT, at which time lead counsel for GATX shall initiate a telephone conference call to the Court at (330) 884-7435 with lead counsel on the line.

IT IS SO ORDERED.

March 26, 2025
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge